

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 16-27 and 34-36 are pending in this case. Claims 16, 22, and 34-36 are amended by the present amendment. The changes to Claims 16, 22, and 34-36 are supported by the originally filed disclosure at least at paragraph [0140] of the published Specification. Thus, no new matter is added.

The outstanding Office Action rejected Claims 16-27 and 34-36 under 35 U.S.C. § 102(e) as anticipated by Kolls (U.S. Patent No. 6,615,183).

Applicant traverses the rejection of the pending claims.

Amended Claim 16 is directed to an image forming apparatus and includes:

a communications mechanism configured to communicate with a banner advertiser terminal via a network;
a displaying mechanism configured to **display, within the image forming apparatus, a banner advertisement,** received from the banner advertiser terminal, **offering at least one of a product and services;** and
a response sending mechanism configured to **send to the banner advertiser terminal,** through the communications mechanism, **at least one of an order and an inquiry for the at least one of the product and the services** offered by the banner advertisement displayed on the displaying mechanism.

The outstanding Office Action asserts Kolls as teaching every element of Claim 16.

Kolls describes an unattended business center. As described at column 6, lines 6-22, and column 7, lines 6-24 and 61-67, of Kolls, vending machines, such as copiers 602A and facsimile machines 604A, are interconnected with a system 500 that acts as a public access electronic terminal and transaction control device. As described at column 7, lines 6-30, of Kolls, a user can “view, vend, respond to, or purchase from displayed interactive advertising” at the public access electronic terminal and transaction control device, system 500.

Alternatively, as described at column 15, lines 1-19, of Kolls, advertisements can be displayed on display means 580 or 582 that are part of the system 500, and a user can use a microphone 572, speaker 574, and camera 578 that are also part of the system 500 to obtain products, services or information from an “ORGANIZATION” such as “a sales organization, a help desk, or an information center.”

The outstanding Office Action, at page 2, asserts a system 500 “system1 500” of Kolls as the communications mechanism of the image forming apparatus, defined by Claim 16 to “communicate with a banner advertiser terminal...to display a banner advertisement, received from the banner advertiser terminal,” and a second system 500 “system2 500” of Kolls as the banner advertiser terminal defined by Claim 16.

Further, the outstanding Office Action, at page 3, states that “an image forming apparatus” is given a broad interpretation based on paragraph [0004] of the published Specification and that Kolls teaches an image forming apparatus at column 6, lines 63-65.

At paragraph [0004], the published Specification describes an image forming apparatus which integrates multiple functions including printing, copying, facsimile functions, and scanning. At column 6, lines 63-65, Kolls describes vended products from a vending machine that include usage time, printed output, copies, etc. from vending machines such as copiers 602A-602F.

However, Kolls does not teach or suggest “a displaying mechanism configured to **display, within the image forming apparatus, a banner advertisement**, received from the banner advertiser terminal,” because a **system 500** of Kolls, which **displays an advertisement, does not teach or suggest an image forming apparatus** as defined by Claim 16 and is not even asserted as teaching an image forming apparatus in the discussion of the interpretation of “image forming apparatus,” at page 3 of the outstanding Office Action.

Because Kolls does not teach or suggest at least the features of Claim 16 discussed above, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) of Claim 16 and Claims 17-21, which depend therefrom, be withdrawn.

Claim 22, though differing in scope and statutory class from Claim 16, patentably defines over Kolls for similar reasons discussed with respect to Claim 16. Thus, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) of Claim 22 and Claims 23-27, which depend therefrom, be withdrawn.

Claim 34 is directed to an **information processing** apparatus and includes “a communication interface configured **to communicate with an image forming apparatus** via a network; and a displaying mechanism configured to **display, within the image forming apparatus, a banner advertisement which is distributed to the image forming apparatus when the image forming apparatus** is in a non-operative state.”

The outstanding Office Action makes no specific assertions to set out how Kolls teaches every element of Claim 34 except to say that Kolls also teaches displaying when the image forming apparatus is in a non-operative state at column 34, lines 39-41.

The cited portion of Kolls describes that non-prime time advertisements can be displayed when the system 500 is not in use. Thus, Applicant assumes that the system 500 is asserted as teaching “an information processing apparatus” as defined by Claim 34.

However, as discussed with respect to Claim 16, even if, *arguendo*, Kolls describes the system 500 displaying an advertisement in a non-operative state, Kolls does not teach or suggest “a displaying mechanism configured to **display, within the image forming apparatus, a banner advertisement which is distributed to the image forming apparatus when the image forming apparatus** is in a non-operative state,” as recited by Claim 34, because the system 500 does not teach or suggest an image forming apparatus.

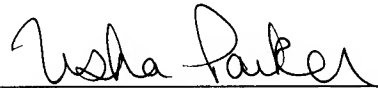
Because Kolls does not teach or suggest at least the elements of Claim 34 discussed above, Applicant respectfully requests that the rejection of Claim 34 under 35 U.S.C. § 102(e) be withdrawn.

Claims 35 and 36, though differing in scope and statutory class from Claim 34, patentably define over Kolls for similar reasons as discussed with respect to Claim 34. Thus, Applicant respectfully requests that the rejection of Claims 35 and 36 under 35 U.S.C. § 102(e) be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Usha Munukutla-Parker
Registration No. 61,939

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)